

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

Consideration of Waiver of 703 KAR 5:020, Affecting Grade Configurations for Pike County

#### **Applicable Statute or Regulation:**

KRS 156.160, KRS 158.645 - 158.6455, 703 KAR 5:020, Section 4 (3)

#### **Action Question:**

Should the Kentucky Board of Education approve the request for a waiver related to school grade configuration as provided for in KRS 156.160 and 703 KAR 5:020, Section 4 (3), for schools in Pike County?

#### **History/Background:**

***Existing Policy.*** According to KRS 156.160, the Kentucky Board of Education may approve a request for a waiver to any administrative regulation when: (1) a school district or school has demonstrated circumstances where an alternative approach will achieve the same result required by the administrative regulation; (2) implementation of the regulation will cause a hardship on the school district or school, or jeopardize the continuation or development of programs; or (3) there is a finding of good cause for the waiver. This statute defines circumstances related to state- required assessments and school accountability that shall not be subject to waiver, but grade configuration is stated as an exception to these limitations.

Approval of one such waiver request has been requested by Pike County.

#### **Pike County**

During the summer of 2002, four schools were consolidated (Millard Jr. High Grades 7-8, Millard Elementary Grades 4-6, Greasy Creek Elementary K-8 and Lookout Elementary Grades K-8) to establish Millard Elementary, a primary school housing Grades P-3, and Millard Middle School housing Grades 4-8. Since the consolidation and the formation of the two separate schools, the grade 3 CTBS assessment data at Millard Elementary has not been included in the accountability index of Millard Middle School.

This request concerns Millard Elementary School, which is considered a feeder school for Millard Middle School that serves students in grades 4-8. When such a school *feeds* its students into a school with accountability grades, the school is combined with the school having the missing grades its students subsequently attend, forming a single school accountability unit. In this case, a strict interpretation of the regulation means that Millard Elementary and Millard Middle Schools will share the same performance judgment. (703 KAR 5:020, Section 4)

703 KAR 5:020 Section 4 states:

- “(1) For the Kentucky Core Content Test, if a school does not have grades four (4) and five (5) at the elementary level... the school shall be combined with the school or schools having the missing grades(s) its students previously attended or would subsequently attend, forming a single school accountability unit, for both state and federal school accountability purposes.***
- (2) A school that does not contain a grade at which the national norm-referenced test is administered shall have its accountability index calculated using only the weights specified as component one (1) of the index in Section 3 of this administrative regulation...”***

Since, according to this regulation, the performance judgments rendered for the combined primary and elementary buildings would not include the norm-referenced test (NRT) data generated at the primary level, the district is requesting that the NRT data and the nonacademic data that is generated at the primary school be included in the accountability calculations that result in the performance judgment shared by both the primary school and the elementary school that the students would subsequently attend.

**Staff Recommendation(s) and Rationale(s):**

Staff recommends approval of the requested waiver. Because the proposal described will include the most appropriate data in the accountability calculations for these schools, the requested waiver of the grade configuration requirement of 703 KAR 5:020 should be granted.

**Impact on Getting to Proficiency:**

These waivers clarify how the specific schools and staffs will be included in the school accountability system, which defines their status relative to getting to proficiency.

**Groups Consulted:**

Those consulted include the Pike County superintendent and district assessment coordinator, as well as the school-based councils in each school. The Department of Education is of the understanding that the staffs and councils of these schools are informed of the proposed solutions, and considering the various alternatives available, are in general agreement with the above proposal.

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**Deputy Commissioner**

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**Commissioner of Education**

**Date:**

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